

1 AN ACT
2 RELATING TO EDUCATION; CHANGING THE CAP ON DUE PROCESS
3 REIMBURSEMENTS.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. Section 22-29-2 NMSA 1978 (being Laws 1986,
7 Chapter 94, Section 2) is amended to read:

8 "22-29-2. PURPOSE OF ACT.--The purpose of the Public
9 School Insurance Authority Act is to provide comprehensive
10 core insurance programs, including reimbursement coverage for
11 the costs of providing due process to students with
12 disabilities, for all participating public schools, school
13 board members, school board retirees and public school
14 employees and retirees by expanding the pool of subscribers
15 to maximize cost containment opportunities for required
16 insurance coverage."

17 Section 2. Section 22-29-12 NMSA 1978 (being Laws 2007,
18 Chapter 236, Section 3) is amended to read:

19 "22-29-12. DUE PROCESS REIMBURSEMENT.--The authority
20 shall include due process reimbursement in its self-insured
21 retention risk pool. Each year, the legislature shall
22 authorize the board to collect the due process reimbursement
23 premium from member districts and charter schools to cover
24 the cost of due process reimbursement. From the
25 authorization, the board shall allocate due process

1 reimbursement premiums based on a school district's or
2 charter school's claims experience and other criteria
3 determined by the board. A single due process reimbursement
4 shall not exceed one hundred thousand dollars (\$100,000).

5 Prior to the beginning of each fiscal year, the
6 authority shall determine the amount of money available in
7 the fund for special education due process reimbursements.
8 The authority shall set forth in its general liability
9 memorandum of coverage the provisions for distribution of
10 that amount for due process reimbursements to school
11 districts and charter schools, including:

12 A. the process by which school districts and
13 charter schools submit claims for reimbursement by the end of
14 the fiscal year; and

15 B. the method for distributing the money available
16 to school districts and charter schools on a pro rata basis if
17 the available money is not sufficient to cover all claims."

18 Section 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2008. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25